THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10021 of 2006

Dated:30.04.2007

Between:

B.Thimmappa and others.

…Petitioners

and

The Assistant Commissioner of Endowments, and others.

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10021 of 2006

ORDER:

The petitioners filed the instant Writ Petition seeking a writ of mandamus declaring the action of the respondents in conducting auction to lease out the land admeasuring Acs.17.80 cents in Survey Nos.158, 161 and 296 and Acs.27.00 comprised in Survey No.38 situated at Vajrakarur Village and Mandal in Anantapur District, without evicting the petitioners as illegal and arbitrary.

It is the case of the petitioners that they are landless and poor persons and lessees of the subject property belonging to Sri Chapparam Anjaneya Swamy Temple and Sree Janardhana Venkateswara Swamy Temple. They allege that without evicting them, the third respondent announced auction by beat of tom-tom on 05.05.2006. Though auction was scheduled on 24.05.2006, the same was postponed when the petitioners raised objection. Thereafter, the petitioners made a representation to the Assistant Commissioner of Endowments on 09.05.2006 seeking an order that they are landless poor persons. The same is still pending.

The fourth respondent has filed a detailed counter affidavit. It is stated that the lease granted to the petitioners expired on 31.03.2004, and therefore, they cannot be treated as lessees. The Temple conducted auction on 29.05.2006 and leased out the land to highest bidders. Auction conducted by the Temple was also confirmed by the Assistant Commissioner on 21.06.2006, and the same was approved by the Deputy Commissioner of Endowments, Kurnool, on 10.07.2006.

The petitioners have not filed any reply, which only shows that the counter averments stand proved. The petitioners have also not placed any material before this Court to show that they are landless poor persons. Be it also noted, as per explanation to Section 82(2) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987, to be

a landless poor person, a person should not have more than two and half acres of wet land or five acres of dry land and should not have income exceeding twelve thousand rupees per annum. The affidavit of the petitioners is silent on these aspects. Therefore, the petitioners may approach the Assistant Commissioner for necessary redressal. In this Writ Petition, no relief can be granted.

The Writ Petition, subject to the above observations, is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

30.04.2007
vs